

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NORTHEAST REGIONAL COUNCIL
OF CARPENTERS, et al.,

Petitioners,

v.

JOHN BUTLER & SONS
CONSTRUCTION LLC,

Respondent.

Civil Action No. 17-2835 (MAS) (DEA)

MEMORANDUM ORDER

This matter comes before the Court upon Petitioners Northeast Regional Council of Carpenters, Northeast Carpenters Funds and the Trustees Thereof's ("Petitioners") Motion to Confirm Arbitration Award ("Motion"). (ECF No. 2.) The Court decides the motion without oral argument pursuant to Local Civil Rule 78.1.

The Court has carefully considered Petitioners' Motion and finds good cause to deny the Motion without prejudice and to require Petitioners to refile their Motion. First, the Petition reflects that the arbitrator conducted a hearing on February 23, 2017 and issued an award on **March 5, 2017**. (ECF No. 1-1 at 67, 70) (emphasis added).¹ The proposed form of order submitted with Petitioners' Motion, however, states that "the Opinion and Award of **February 23, 2017** shall and are hereby CONFIRMED." (ECF No. 2-1 at 1) (emphasis added). Petitioners must correct this error in their proposed form of order. Second, the arbitration award provides that "[t]he Employer is delinquent . . . [and] in violation of its obligations under the Agreement, for the payroll period of May 26, 2016 through June 2, 2015, together with a Delinquency Notice for 2013-2015, in the amount of \$44,192.50." (ECF No. 1-1 at 67, 70) (second emphasis

¹ As certain pages of the Petition do not contain page numbers, the Court cites to the ECF page numbers throughout.

added). Petitioners did not file a legal brief pursuant to Local Civil Rule 7.1(d)(1). Rather, Petitioners filed a statement that no brief is necessary pursuant to Local Civil Rule 7.1(d)(4). (ECF No. 2-3 at 1.) Petitioners' statement provides:

Petitioners have not filed a brief in support of the Petition to Confirm Arbitration Award and Entry of Judgment because there does not appear to be any legal or factual issue in dispute, and it does not appear that there is any question that the arbitration award at issue in this case may be confirmed and judgment entered.

(*Id.*) In light of the obvious error in the arbitration award, the Court finds that Petitioners must submit a legal brief in support of their Motion. Accordingly,

IT IS on this 1st day of November, 2017, **ORDERED** that:

1. Petitioners' Motion to Confirm Arbitration Award (ECF No. 2) is denied without prejudice.
2. By **November 20, 2017**, Petitioners may file a renewed Motion to Confirm Arbitration Award. The renewed Motion must be accompanied by an appropriate form of proposed order and by a legal brief pursuant to Local Civil Rule 7.1(d)(1).²



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

² If Petitioners fail to file a renewed Motion to Confirm Arbitration Award by November 20, 2017, the Court will close the matter. Petitioners must then file a motion to reopen and provide good cause to reopen the matter.